

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

DAVID SALES,)	CASE NO. 1:06 CV 2485
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
v.)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
TERESA KEHO, et al.,)	
)	
Defendants.)	

On October 16, 2006, plaintiff pro se David Sales, an inmate at the Belmont Correctional Institution, filed this civil rights action against Teresa Keho, the Ohio Adult Parole Authority, Ms. Naggy and the Cuyahoga County Sheriff's Department. While the complaint is somewhat unclear, plaintiff appears to assert that he is unlawfully incarcerated because the Ohio Adult Parole Authority did not properly follow its own guidelines.

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental employee or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §1915A; Siller v. Dean, No. 99-5323, 2000 WL 145167 , at *2 (6th Cir. Feb. 1, 2000).

The complaint challenges the validity of plaintiff's

current confinement in a correctional institution. When a prisoner challenges "the very fact or duration of his physical imprisonment, ... his sole federal remedy is a writ of habeas corpus." Preiser v. Rodriguez, 411 U.S. 475 (1973).

Accordingly, this action is dismissed under 28 U.S.C. § 1915A. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
UNITED STATES DISTRICT JUDGE

Dated: 11/20/06